

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MARVIN GREEN, ANTHONY HERVEY,)	
JAMES JONES, KENDRICK MERRITT,)	
NATHANIEL WILMOTH, THOMAS)	
PRUITT, and JEFFREY COFFEY,)	No. 2:20-cv-02781-JTF-atc
)	
Plaintiffs,)	
)	
)	
v.)	
)	
TONY PARKER, F/N/U SELLERS, AND)	
TAUREAN JAMES,)	
)	
Defendants.)	

NOTICE OF PAYMENT OF FILING FEE (ECF NOS. 12, 13 & 14)

AND

**ORDER FINDING THAT THE MOTION FOR EXTENSION (ECF NO. 9)
& THE *IN FORMA PAUPERIS* MOTION (ECF NO. 15) ARE MOOT;
AND DISMISSING ALL CLAIMS BY COFFEY, HERVEY, JONES & MERRITT**

Before the Court for consideration are: (1) Marvin Green's, Thomas Pruitt's, and Nathaniel Wilmoth's submissions of proportionate shares of the civil filing fee (ECF Nos. 12, 13 & 14); (2) Green, Pruitt, and Wilmoth's motion for extension to pay the filing fee (ECF No. 9); and (3) Anthony Hervey's motion for leave to proceed *in forma pauperis* (ECF No. 15). For the reasons explained below: (1) the Clerk is directed to reflect on the docket the full payment of the civil filing fee; (2) the motion for extension (ECF No. 9) and the *in forma pauperis* motion (ECF No. 15) are denied as moot; and (3) all claims of Coffey, Hervey, Jones, and Merritt in this case are dismissed.

(1) Filing fees: On December 3, 2020, this Court entered an Order Regarding Plaintiffs' Signatures and Payment of 28 U.S.C. §§ 1914(a)-(b)'s Civil Filing Fee, And Directing Clerk To Send Plaintiffs Certain Forms. (ECF No. 8.) Among its other provisions, that Order directed each of Plaintiffs Green, Hervey, Jones, Merritt, Wilmoth, Pruitt, and Coffey to either pay their respective shares of the entire civil filing fee or properly apply for leave to proceed *in forma pauperis*. (*Id.* at PageID 12-13.) On December 23, 2020, the Court granted Green, Pruitt, and Wilmoth an extension to pay the filing fee. (ECF No. 11.)

On December 28, 2020, the Clerk of this Court received the following: (1) \$125 case initiation fee paid by Green (ECF No. 12); (2) \$125 case initiation fee paid by Pruitt (ECF No. 13); and (3) \$150 case initiation fee paid by Wilmoth (ECF No. 14).

Notice of **FULL SATISFACTION** of the filing fee is hereby **NOTED** on the docket of this case. No further filing fee payments from any of the Plaintiffs are required.

(2) *In forma pauperis motion*: On December 29, 2020, Hervey filed a motion for leave to proceed *in forma pauperis*. (ECF No. 15.) Since the filing fee has been paid in full as described *supra*, Hervey's motion (ECF No. 15) is **DENIED** as moot. To the extent that Green, Hervey and Pruitt's motion for appointment of counsel (ECF No. 23) similarly seeks leave to proceed *in forma pauperis*, it is **DENIED** as moot for this same reason.

(3) *Plaintiffs' Changes Of Address*: This Court's December 3 notified all Plaintiffs of their duty to keep the Court updated of their present address. (ECF No. 8 at PageID 12.) On December 4, 2020, the Clerk mailed the Court's December 3, 2020 order to all Plaintiffs. On January 4-5, 2020, the mailed copies of that order were returned undeliverable as to Coffey (ECF No. 19), Hervey (ECF No. 20), Jones (ECF No. 21), and Merritt (ECF Nos. 22 & 24).

The most basic responsibility of a litigant is to keep the Court apprised of his whereabouts. All Plaintiffs in this case were expressly directed to notify the Court of any address changes and were warned of the consequences of non-compliance. (ECF No. 8.) Nevertheless, Coffey, Hervey, Jones, and Merritt have failed to do so; it appears they have abandoned their claims in this action.

Accordingly, all of Coffey's, Hervey's, Jones's, and Merritt's claims in this case are **DISMISSED** for failure to comply with the Court's orders and for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994) (plaintiffs have "an affirmative duty to supply the court with notice of any and all changes in address"); *Carver v. Bunch*, 946 F.2d 451, 454 (6th Cir. 1991) (failure to comply with the Court's order to notify of address changes constitutes "bad faith or contumacious conduct" in failing to prosecute). Coffey, Hervey, Jones, and Merritt have offered nothing that suggests their failure to comply with the Court's orders was due to inability, rather than willfulness or bad faith.

IT IS SO ORDERED, this 8th day of January, 2021.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE